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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,258	03/13/2002	Siani Lynne Pearson	B-4528PCT 619575-6	9281

22879 7590 12/13/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,258	PEARSON ET AL	
	Examiner	Art Unit	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 7-10, 14-17 and 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5 IDS's</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 have been examined.

Priority

2. The instant application is the national stage entry for International Application No. PCT/GB00/03689, filed 25 September 2000.

3. The instant application claims priority to Great Britain Patent Application No. 9922665.6, filed 25 September 1999.

Information Disclosure Statement

4. The following Information Disclosure Statements in the instant application have been fully considered:

IDS filed 13 March 2002.

IDS filed 13 May 2002.

IDS filed 18 March 2003.

IDS filed 22 September 2003.

IDS filed 24 November 2003.

5. The first and fourth patent documents in the IDS filed 18 March 2003 are apparently foreign patent applications. It is not clear when they were published, if at all; therefore, they have not been considered.

6. The seventeenth foreign patent document in the IDS filed 18 March 2003 was listed as WIPO Publication No. 01/46785 in the IDS; instead, WIPO Publication No. 01/46876 was found in the file wrapper. The reference that was found has been fully considered, and the change noted in the IDS.

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: items 2600 and 2605 on page 12, line 20; items 360 and 361 on page 16, lines 28-30; item 106 on page 29, line 4; and item 1102 on page 30, line 26.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 3, item 330; figure 7, item 410; figure 8, item 118; figure 10, items 1002 and 1108; and figure 11, item 1135.

9. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

10. Claims 7-10, 14-17, and 22-24 are objected to under 37 CFR 1.75(c) as being in improper form. See MPEP § 608.01(n). Accordingly, the claims will not be ~~be~~ further treated on the merits.

Specifically, claims 7-10, 22, and 23 are multiple dependent claims that depend on at least one other multiple dependent claim.

Claim 14 is dependent on two sets of claims, where the two sets are not recited in the alternative form.

Claims 15-17 are dependent on improper claim 14.

Claim 24 is dependent on improper claim 23.

11. Claims 1 and 2 are objected to because of the following informalities:

In claim 1, the second limitation ends with a colon, but is not following by any sort of list.

In claim 2, the word "unauthorised" is not spelled using the American spelling.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 12, the specification discloses the interfacing of a server trusted component to a client, but does not suggest that the server trusted component be protected from modification.

Claim 13 depends from rejected claim 12, and includes all the limitations of that claim, thereby rendering that dependent claim as lacking enablement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-6, 11-13, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,157,719 to Wasilewski et al.

Claim 1 reads:

A client platform adapted to provide restricted use of data provided by a server, the client platform comprising:

a display;

secure communications means:

a memory containing image receiving code for receiving data from a server by the secure communication means and for display of such data;

wherein the client platform is adapted such that the data received from a server is used for display of the data and not for an unauthorised purpose.

As per claim 1, Wasilewski discloses an access system using set-top boxes (DHCT)

wherein each set-top box is connected to a display (a television set), receives encrypted programming (secure communication) from a media server (see column 4, lines 18-52 and 55-58 and column 15, line 14), solely for display on the television, if so authorized.

Memory contains code for receiving and displaying images (see column 21, lines 28-40).

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Claim 2 reads:

A client platform as claimed in claim 1, wherein the client platform contains a client trusted component physically and logically protected from modification, wherein said client trusted component is adapted to prevent data received from a server from being used for an unauthorised purpose.

As per claim 2, the set-top box decryption service is driven by the DHCT's DHCTSE, which is in tamper-proof packaging (see column 15, line 44 to column 16, line 3).

Claim 3 reads:

A client platform as claimed in claim 2, wherein the client trusted component contains an integrity monitor adapted to provide a measure of the integrity of code operating on the client platform, and the integrity monitor is adapted to monitor the integrity of the image receiving code.

As per claim 3, the DHCTSE uses digital signatures and certificates to allow the verification of the DHCT's integrity (see column 47, line 15 to column 48, line 29).

Claim 4 reads:

A client platform as claimed in claim 2, wherein the image receiving code is located within the client trusted component.

As per claim 4, the image receiving code is in the DHCT and DHCTSE, as described above.

Claim 5 reads:

A client platform as claimed in claim 2, wherein a display controller lies within said client trusted component, such that a display of the client platform is controlled from within the client trusted component.

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As per claim 5, the image produced by the DHCT is only output to the television set.

Claim 6 reads:

A client platform as claimed in any of claims 2 to 5, wherein the client platform comprises a secure user interface for providing user input directly to the client trusted component, and wherein the image receiving code is adapted to provide user input received from the secure user interface to a server.

As per claim 6, a secure arrangement in the DHCT allows for the user to order specific programming (see column 12, line 41 to column 13, line 2).

Claim 11 reads:

A server adapted to provide data to a client platform for restricted use by the client platform, comprising:
a memory containing image sending code for providing an image of data executed on the server; and
secure communications means for secure communication of images of data to a client platform
whereby the server is adapted to determine that a client platform is adapted to ensure restricted use of the data before it is sent by the image sending code.

As per claim 11, a control suite, embodied in software (and therefore inherently executed from memory) is responsible for sending images from the head-end unit.

Means are disclosed for authenticating recipient DHCTs and their public keys (see column 16, line 18 to column 17, line 19).

Claim 12 reads:

A server as claimed in claim 11, containing a server trusted component physically and logically protected from modification, and wherein the server component contains an integrity monitor adapted to provide a measure of the integrity of code operating on the client platform.

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As per claim 12, the server contains a system for granting entitlements, based upon client authentication, a "TED," which may be embodied in tamper-resistant packaging (see column 40, lines 30-44).

Claim 13 reads:

A server as claimed in claim 12, wherein the server trusted component is adapted to authenticate other trusted components and secure tokens.

Regarding claim 13, the server trusted component authenticates DHCTs, as discussed in claim 11. The DHCTSE may be embodied on a token such as a smart-card (see column 21, lines 11-14).

Claim 18 reads:

A method of providing image data to a client platform for restricted use, comprising: a client platform requesting image data from a server; the server determining that the client platform both has permission to received image data, and is adapted to use the image data only for the restricted use; and provision of the image data over a secure communication channel.

As per claim 18, Wasilewski's system has a client (the DHCT), a server for authenticating the client (as described above), and uses an encrypted channel.

Claim 19 reads:

A method as claimed in claim 18, further comprising provision of request data from the client platform to the server, and provision of modified image data based on the request data.

As per claim 19, the images sent by the server are encrypted in accordance with the DHCT's public key (the MSK), which is changed periodically (see column 6, lines 56-

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67). Note: Applicant's specification suggests no other type of client-specific image modification.

Claim 20 reads:

A method as claimed in claim 19, wherein the provision of request data and the provision of modified image data are repeated as often as required.

Regarding claim 20, the DHCT's public keys change as necessary, and viewing of images is effectively unlimited.

Claim 21 reads:

A method as claimed in any of claims 18 to 20, further comprising updating of a usage log after image data or modified image data is provided to the client platform.

As per claim 21, the DHCTSE maintains data on pending purchases of events (images), which it maintains until the events are actually received (see column 30, line 58 to column 31, line 10).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,246,767 to Akins, III et al. discloses the authentication of downloaded information in a set-top system.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

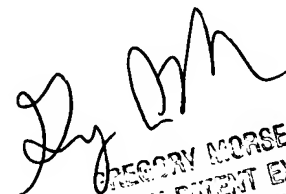
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GREGORY MORSE
SUPERVISOR PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2100


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MEH *MEH*

November 7, 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100